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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,254	03/27/2001	Naohito Takae	1614.1155	7682
21171	7590	03/21/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			LAMBRECHT, CHRISTOPHER M	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,254

Applicant(s)

TAKAE ET AL.

Examiner

Christopher M Lambrecht

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/27/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. /.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. **Claim 1** is objected to because of the following informalities: In line 12 of claim 1, the text “an” should be deleted. Appropriate correction is required.
2. **Claim 2** is objected to because of the following informalities: In line 3 of claim 2, the text “step” should be changed to “steps”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1, 2, and 5-15** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,208,799 to Marsh et al. (hereinafter “Marsh”).

Regarding **claims 1, 8, and 12**, Marsh discloses a method, corresponding recording medium that can be read by a computer and stores a program for enabling a computer to perform an operation (col. 6, ll. 23-35) of managing control information in a control information management server, and corresponding control information management server [11] (set-top, fig. 1) that collectively manages control information for controlling control objects [14, 15] (TV, VCR, fig. 1), the method, program, and server comprising:

producing (via remote control 16, fig. 1) the control information (program record reservation) in compliance with an instruction from a user (col. 7, ll. 10-15);

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collecting (in set-top 11 memory 22, 23, 24, fig. 2, col. 7, ll. 54-64) alteration information (updated program schedule, col. 6, ll. 39-46) for altering the control information (col. 5, l. 50 – col. 6, l. 3);

altering (by CPU 25, fig. 2, col. 9, ll. 5-10) the control information based on the alteration information (rescheduling record reservation in response to change in future IPG data, col. 5, l. 50 – col. 6, l. 3);

controlling the control object [15] in accordance with the altered control information (reprogram scheduled recording time and carry out recording, col. 10, ll. 19-25 & 55-60).

As for **claim 2**, Marsh discloses the method as claimed in claim 1, wherein the control information altering step includes the steps of:

collecting alteration information that is necessary for altering the control information (col. 6, ll. 39-46 & col. 5, l. 50 – col. 6, l. 3); and

requesting for permission to alter the control information after notifying a user that the control information needs to be altered based on the collected alteration information (col. 11, ll. 10-28); and

altering the control information upon receipt of the permission from the user (reprogram or cancel the recording request in response to user interaction, col. 11, ll. 20-28).

Regarding **claims 5, 9, and 13**, Marsh discloses a method and corresponding recording medium that can be read by a computer and stores a program for enabling a computer to perform an operation (col. 6, ll. 23-35) of managing control information in a control information management server, and corresponding control information management server [11] (set-top, fig. 1) that collectively manages control information for controlling control objects [14, 15] (TV, VCR, fig. 1), the method, program, and server comprising:

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producing (via remote control 16, fig. 1) the control information (program record reservation) in compliance with an instruction from a user (col. 7, ll. 10-15);

collecting (in set-top 11 memory 22, 23, 24, fig. 2, col. 7, ll. 54-64) check information (updated program schedule, col. 6, ll. 39-46) for checking a control condition contained in the control information (i.e. checking whether a broadcast time for a program scheduled to be recorded has changed, col. 5, l. 50 – col. 6, l. 3);

checking (by CPU 25, fig. 2, col. 9, ll. 5-10) whether or not the control condition is satisfied based on the check information (verifying status of a record reservation in response to obtaining updated IPG data, col. 5, l. 50 – col. 6, l. 3);

controlling a control object [15] in accordance with the altered control information based on a check result of the control information (maintain or reschedule recording time according to updated IPG information, col. 10, ll. 19-25 & 55-60).

Regarding **claims 6 and 10**, Marsh discloses a method and corresponding medium that can be read by a computer and stores a program for enabling a computer to perform an operation (col. 6, ll. 23-35) of controlling a control object [15] (VCR 15, fig. 1) in a control object controlling device [11] (set-top 11, fig. 1) that controls a control object [15] in accordance with control information (col. 5, ll. 40-50), the method comprising the steps of:

collecting alteration information for altering the control information on a transmission side (updated program schedule, col. 6, ll. 39-46, where set-top 11 transmits control information to VCR 15, set-top 11 represents a transmission side);

receiving the control information altered based on the altered information (i.e., set-top 11 receives updated/rescheduled recording reservation from user, col. 12, ll. 10-20);

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selecting a control object [15] corresponding to the received information (where set-top 11 controls VCR 15, col. 10, ll. 35-41, set-top 11 has inherently selected VCR 15 to control);

controlling the selected control object [15] in accordance with the received control information (col. 10, ll. 55-60).

Regarding **claims 7 and 11**, Marsh discloses a method and corresponding recording medium that can be read by a computer and stores a program for enabling a computer to perform an operation (col. 6, ll. 23-35) of controlling a control object [15] (VCR 15, fig. 1) in a control object controlling device [11] (set-top 11, fig. 1) that controls a control object [15] in accordance with control information (col. 5, ll. 40-50), the method comprising the steps of:

collecting check information (updated program schedule, col. 6, ll. 39-46) for checking a control condition contained in the control information (i.e. checking whether a broadcast time for a program scheduled to be recorded has changed, col. 5, l. 50 – col. 6, l. 3) on a transmission side (where set-top 11 transmits control information to VCR 15, set-top 11 represents a transmission side);

receiving the control information in accordance with a check result by the check information (i.e., set-top 11 receives updated/rescheduled recording reservation from user where a check result has indicated rescheduling is required, col. 12, ll. 10-20);

selecting a control object [15] corresponding to the received information (where set-top 11 controls VCR 15, col. 10, ll. 35-41, set-top 11 has inherently selected VCR 15 to control);

controlling the selected control object [15] in accordance with the received control information (col. 10, ll. 55-60).

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Regarding **claim 14**, Marsh discloses a control information management system (fig. 1) that collectively manages control information for controlling a control object, the control information management system comprising:

a control information producing unit [16] (remote control, fig. 1) that produces the control information in compliance with an instruction from a user (col. 7, ll. 10-18);

a control information alteration unit [22-25] (CPU & associated memory, fig. 2) that collects alteration information for altering the control information (col. 7, ll. 54-64), and alters the control information in accordance with the alteration information (rescheduling record reservation in response to change in future IPG data, col. 5, l. 50 – col. 6, l. 3);

a control information transmission unit [16] (remote control, fig. 1) that transmits the control information via a network (i.e., transmits user commands via IR link to set-top 11);

a control information reception unit [11] (set-top, fig. 1) that receives the transmitted control information (col. 7, ll. 14-18); and

a control unit [11] (set-top, fig. 1) that selects a control object [15] corresponding to the received control information (where set-top 11 controls VCR 15, col. 10, ll. 35-41, set-top 11 has inherently selected VCR 15 to control), and controls the selected control object [15] in accordance with the received control information (col. 10, ll. 55-60).

Regarding **claim 15**, Marsh discloses a control information management system (fig. 1) that collectively manages control information for controlling a control object, the control information management system comprising:

a control information producing unit [16] (remote control, fig. 1) that produces the control information in compliance with an instruction from a user (col. 7, ll. 10-18);

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a control information check unit [22-25] (CPU & associated memory, fig. 2) that collects check information (updated program schedule, col. 6, ll. 39-46) used for checking a control condition contained within the control information (i.e. checking whether a broadcast time for a program scheduled to be recorded has changed, col. 5, l. 50 – col. 6, l. 3), and checks whether or not the control condition is satisfied based on the check information (verifying status of a record reservation in response to obtaining updated IPG data, col. 5, l. 50 – col. 6, l. 3);

a control information transmission unit [16] (remote control, fig. 1) that transmits the control information via a network (i.e., transmits user commands via IR link to set-top 11);

a control information reception unit [11] (set-top, fig. 1) that receives the transmitted control information (col. 7, ll. 14-18); and

a control unit [11] (set-top, fig. 1) that selects a control object [15] corresponding to the received control information (where set-top 11 controls VCR 15, col. 10, ll. 35-41, set-top 11 has inherently selected VCR 15 to control), and controls the selected control object [15] in accordance with the received control information (col. 10, ll. 55-60).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 3 and 4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh.

Regarding **claim 3**, Marsh discloses the method as claimed in claim 1, wherein the control object controlling step includes the steps of:

requesting for permission to alter the control information (col. 11, ll. 10-28); and

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transmitting the control information to the control object [15] upon receipt of transmission permission from the user (i.e., controlling VCR 15 to record a program in accordance with a recording reservation upon receipt of confirmation from the user to perform said recording reservation, col. 20, ll. 20-28).

Marsh fails to disclose notifying the user the control information be transmitted to the control object [15].

Official notice is taken of the fact that it is well known in the art to notify a user of acceptance of a recording reservation having been entered by said user (wherein confirming acceptance of said reservation constitutes confirmation that said control information be transmitted to said control object, in order for said reservation to be carried out), for the purpose of informing the user that said reservation will be performed as scheduled.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Marsh to include notifying the user the control information be transmitted to the control object, for the purpose of informing the user that said reservation will be performed as scheduled.

As for **claim 4**, Marsh discloses the method as claimed in claim 1. However, Marsh fails to disclose the step of notifying the user of an abnormal state of the control object, when no control information reception acknowledgement is sent from the control object after the transmission of the control information to the control object.

Official notice is taken of the fact that it is well known in the art to notify a user when a device to be controlled fails to respond to control information in an expected manner, for the purpose of informing the user that a desired task may not be carried out due to technical problem.

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Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Marsh to include notifying the user of an abnormal state of the control object, when no control information reception acknowledgement is sent from the control object after the transmission of the control information to the control object, for the purpose of informing the user that a desired task may not be carried out due to technical problem.

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Conclusion

7. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) _____ - _____ on _____
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Typed or printed name of person signing this certificate:

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached at (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M Lambrecht
Examiner
Art Unit 2611

CML



CHRIS GRANT
PRIMARY EXAMINER